



## European treatment and transition management of high risk offenders – a justice cooperation network (JCN)

The aim of the research is to compare the different legal concepts and practice concerning high risk/“dangerous” offenders. Therefore the following questionnaire is distributed to the partners in order to collect information on the legal base and the practical organization of supervision and surveillance of such offenders. Furthermore we want to gather statistical data on the quantity of high risk offenders and empirical data on the recidivism and reintegration of high risk offenders in the participating countries.

When talking about **high risk offenders** the partners have decided to focus only on offenders identified as at high risk of reoffending through threat of or serious injury or offences against the person (i. e. sex offenders, serious violent offenders).

**We have decided to exclude high risk offenders dealt by other institutions such as psychiatric hospitals. The questionnaire therefore is restricted only to high risk offenders in prisons and after release from prisons.**

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## Questionnaire

Legal issues	
I.	Definition of „dangerous“ or „high risk“ offenders
1.	<p><b>How is the legal concept of “dangerousness”/high-risk” addressed in Criminal Law, in your country? Is there a difference between “dangerous” and high-risk offenders? If yes, please outline it briefly. (Legal conditions of criminal sanctions, preventive/security measures)</b></p>
	<p>Legislation: The terms “dangerousness” and “high risk” are not clearly reflected/defined in the German Criminal Law for offenders in prison. A different approach is used for prisoners in forensic institutions, but this is not to be answered in this questionnaire. In German Criminal Law of sentencing the dangerousness of the offender is considered in a prognosis of recidivism, but not clearly defined.</p> <p>The legal sanctions system is regulated in §§ 38 pp. of the German Criminal code (Strafgesetzbuch (StGB)). § 46 StGB stipulates that “the guilt of the offender is the basis for sentencing. The effects which the sentence can be expected to have on the offender’s future life in society shall be taken into account.”</p> <p>URL: <a href="http://www.gesetze-im-internet.de/englisch_stgb/index.html">http://www.gesetze-im-internet.de/englisch_stgb/index.html</a> ).</p> <p>For juvenile offenders a similar regulations is stipulated in § 17 JGG.(Youth courts act) URL: <a href="http://www.gesetze-im-internet.de/englisch_jgg/index.html">http://www.gesetze-im-internet.de/englisch_jgg/index.html</a></p> <p>The status of being a dangerous /high risk offender depends on the kind of crime that was committed, the personality of the offender and the degree of risk of re-offending.</p>
2.	<p><b>What kind of offenders are defined, in law or in practice, as “dangerous”/high risk” in your country? (Offences, recidivist offenders in general or concerning specific offences, length of imprisonment?)</b></p>
	<p>German Criminal Law does not allocate certain types of crime or offenders to the terms "dangerous" and "high-risk"</p>

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		<p>Offences defined in</p> <p>Chapter 7 Offences against public order</p> <p>Chapter 13 Offences against sexual self-determination</p> <p>Chapter 16 Offences against life</p> <p>Chapter 17 Offences against the person</p> <p>Chapter 18 Offences against personal freedom</p> <p>Chapter 20 Robbery and blackmail</p> <p>can be considered as potentially dangerous or high risk. It is a result of individual case studies to determine the likelihood of recidivism or risk of the offender, as for example § 66 Section 1 Sentence 1 No. 4 StGB (criminal code) describes.</p> <p><u>In practice</u>: relapsing sexual offenders and delinquents of violence and which have to serve her punishment completely offenders are considered as dangerous /high risk –</p> <p>High risk offenders as a subgroup of general offenders, who have more serious, diverse and numerous past offences and a high estimated risk of recidivism. High-risk offenders regularly have antisocial attitudes and personalities, a long criminal history, substance abuse problems, or poor family relations, and are likely unemployed.</p>
	<b>3.</b>	<b>Please describe the boundaries and interaction of criminal sanctions (based on the guilt of the offender) and preventive/security measures (based on the concept of dangerousness) and how these are dealt with in practice on a day to day basis.</b>
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	<b>4.</b>	<b>Does the law on sentencing in criminal cases provide for specific risk assessment and, if yes, how is the procedure of assessment legally regulated?</b>
		<p>The law of sentencing provides no special checks or special procedures for the risk assessment. In criminal procedure (according to §§ 46 I 2. StGB) besides the past delinquent behavior and other characteristics the effects which the sentence can be expected to have on the offender’s future life in society shall be taken into account An important issue is furthermore the attitude reflected in the offence and the degree of force of will.</p>

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		<p>Another specific risk assessment is regulated by law in § 56 StGB. The Court has the power to suspend the sentence not exceeding one year of imprisonment. This can be done if there are reasons to believe that the sentence will serve as a sufficient warning to the convicted person and that he will commit no further offences without having to serve the sentence. The court shall particularly take into account the character of the convicted person, his previous history, the circumstances of his offence, his conduct after the offence, his circumstances and the effects to be expected from the suspension.</p> <p>A risk assessment or an assessment of future behavior is done in the context of preventive detention under §§ 68 ff. StGB.</p>
	<b>5.</b>	<b>Does the law provide for a redefinition of risk or a risk assessment during the execution of the prison sentence? ( e.g. after certain periods of time?)</b>
		<p>For the juvenile offenders</p> <p>Section 11 of JStVollzG MV (Juvenile Prison act) imposes a regular update of the sentence and reintegration plan. The question of expecting new offences committed by the juvenile offender has to be answered in this context. According to section 19 and 15 JStVollzG MV prison should be opened step by step to prepare for the end of the custody. Execution relaxations (according to § 15 (2) JStVollzG MV) may only be granted, if it can be assumed that the prisoner will not misuse the relaxations to commit crimes. That's why there is to prognosticate how high the risk of relapse is in relation to the planned execution relaxation. In some cases this is done by external report.</p> <p>For adult offenders however, there are standards in Mecklenburg Western-Pomerania for procedures of risk assessment in prison and in probation service. Life time prisoners, violent and sex offenders have to be seen before relaxation of imprisonment or release by a specialized team of psychologists, situated in the centrum for diagnosis in Waldeck prison.</p>
<b>II.</b>	<b>Early*/conditional release</b>	
	<b>1.</b>	<b>Please describe the legal provision and conditions of early/conditional release from prisons in general and any particular legal conditions or requirements applying in the case of dangerous/high risk offenders.</b>

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	<p>An early release in general happens</p> <ul style="list-style-type: none"><li>- If two thirds of the imposed prison sentence are served, however, at least two months,</li><li>- If the security interests of the general public are not endangered, and</li><li>- If the convicted person agrees.</li></ul> <p>The conditions for an early release are named in §57 StGB.</p> <p>Moreover, the court considers in its decision in particular:</p> <ul style="list-style-type: none"><li>- The readiness for cooperation and the development of the imprisoned</li><li>- The success of measures of treatment already administered</li><li>- The test in relaxations as well as in the open prison</li><li>- The protective factors beyond the prison</li><li>- His living circumstances and the impact an early release is to be expected to have on him.</li></ul> <p>An early release of dangerous / high risk prisoners does not happen normally. The Prognosis of the risk does not justify an early release in the most cases. This could happen only if the prisoner is considered as less dangerous at the time an early release date approaches.</p> <p>§ 68 StGB regulates the conditions of supervision of conduct.</p> <p>The Enforcement Committee decides about an early release after hearing the prison officials, the department responsible for the enforcement of sentences (in general, public prosecution) and the prisoner. In that case, the time already spent in custody, the remaining sentence, public security interests and the personal development of the prisoner need to be considered. If there is an on going danger detected, an early release will not occur.</p> <p>The legal basis for the preparation of release for juvenile offenders results from section 19 pp. JStVollzG MV.</p>
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2.	<b>What kind of conditions or requirements (supervision orders, curfews etc.) can be imposed as a condition of early release?</b>
	<p>In case of an early release the court can impose the following <u>obligations and directives</u> according to §§ 56b and c StGB</p> <ul style="list-style-type: none"> <li>- To obey orders which refer to residence, education, work or spare time or to the order of his economic conditions,</li> <li>- To contact the court or any other places / persons at certain times,</li> <li>- To refrain from contact to the injured person, certain people or a certain group of people who can offer him an opportunity or incentives for other criminal offences</li> <li>- Not to own, to carry or to let somebody else store certain objects which can offer him an opportunity or incentives for other criminal offences</li> <li>- Not to drink any alcohol or use drugs</li> <li>- To follow obligations to pay alimony.</li> </ul> <p>It may also be requested:</p> <ul style="list-style-type: none"> <li>- To submit oneself to a remedial treatment or a withdrawal treatment (in case of drug addiction) or</li> <li>- To take residence at a suitable home or a suitable institution.</li> </ul> <p>Concerning youth, restrictions can be given to the early released prisoner according to section 88 VI JGG in combination with section 22 -25 JGG. (Youth courts law: URL <a href="http://www.gesetze-im-internet.de/englisch_jgg/index.html">http://www.gesetze-im-internet.de/englisch_jgg/index.html</a>)</p> <p>Possible restrictions are listed in § 10 I and II JGG:</p> <ol style="list-style-type: none"> <li>1. comply with instructions relating to his place of residence,</li> <li>2. live with a family or in residential accommodation,</li> <li>3. accept a training place or employment,</li> <li>4. perform certain work tasks,</li> <li>5. submit himself to the care and supervision of a specific person (care assistant),</li> <li>6. attend a social skills training course,</li> </ol>

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		<p>7. attempt to achieve a settlement with the aggrieved person (settlement between offender and victim),</p> <p>8. avoid contact with certain persons or frequenting places providing public hospitality or entertainment, or</p> <p>9. attend a road-traffic training course</p> <p>With the consent of the parent or guardian and the legal representative, the judge may also require the youth to undergo specialist rehabilitative treatment or addiction withdrawal treatment. If the youth is more than sixteen years of age, such condition should be imposed only with his consent.</p> <p>If youth penalty is not indicated, the judge can apply disciplinary measures according to §§ 13 -15 JGG.</p> <p>These are reprimands, imposition of condition( make good, to the best of his ability, for damage caused as a result of the offence; apologise personally to the aggrieved person, perform certain tasks or pay a sum of money to a charitable organisation.), or youth detention.</p>
	<b>3.</b>	<b>What is the length of the post-custody supervision period provided by law?</b>
		<p>According to §68 c paragraph 1 StGB supervision of conduct lasts from a minimum of 2 years to a maximum of 5 years. Under exactly named conditions, divergences of it are allowed. The duration of the supervision of conduct lies in the judicial judgement and is not dependent on the penal rest.</p> <p>The period of probation or time of supervision of conduct lasts from a minimum of 2 years to a maximum of 5 years.</p> <p>The duration of the supervision of conduct is defined of the judicial judgement and independent of the length of the remaining sentence. After the end of supervision of conduct an extension of the supervision can be decided for an indefinite period of time. The decision has to be verified after two years.</p>
<b>III.</b>	<b>Transitional phase</b>	
	<b>1.</b>	<b>How is the preparation for release legally and practically organised? (sentence and release plan, transfer to open prison, prison leaves etc., specific plans for</b>

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	<b>“dangerous”/high risk offenders)</b>
	<p>The legal framework is defined in §§ 7, 10,11, 13, 15 Prison Act.</p> <p>Sentence and release plan:</p> <p>A sentence and release plan is to be prepared for every prisoner (except for those with fines)</p> <p>The sentence and release plan shall refer according to § 7 to at least the following treatment measures:</p> <ol style="list-style-type: none"> <li>1. detention in a closed or open institution;</li> <li>2. transfer to a socio-therapeutic institution;</li> <li>3. allocation to residential groups and treatment groups;</li> <li>4. work and basic training or further training;</li> <li>5. participation in further training activities;</li> <li>6. special measures of relief and treatment;</li> <li>7. relaxation of conditions of imprisonment; and</li> <li>8. measures necessary to prepare release.</li> </ol> <p>The sentence and release plan shall be kept in line with the prisoner's development and with further results of the study of his personality. To this end, adequate periods of time shall be allocated in the sentence and release plan.</p> <p>For sexual offenders there are defined periods for the updating of the sentence and release plan. It has to be kept in time every six months concerning transfer to a socio-therapeutic institution.</p> <p>In juvenile detention during the admission process, the personality of each prisoner is explored. Based on that, an individual education and treatment plan is developed. In this context, the individual danger or risk of relapse is stated. Based on these factors a differentiation in terms of treatment is possible.</p> <p>Relaxation and Prison Leaves</p> <p>§§ 11, 13and 15 Prison Act stipulate relaxations and temporarily prison leaves: In order to relax the conditions of imprisonment, a certain risk assessment is conducted in prison.</p>

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	<p>Prisoners who are on work release may be granted special leave for up to six days per month within nine months prior to their release.</p> <p>The stipulations on prison leaves and relaxation will change considerably in the new Prison Act, coming into force in June 2013.</p> <p>Practical Organisation</p> <p>In order to standardize procedures and required documents and, furthermore, to find a binding agreement of temporal processes and an improving inter-institutional communication, the Justice Department Mecklenburg-Vorpommern initiated the project “Integrated Offender Work” (InStAr). In cooperation with all participating institutions, a uniform and mandatory procedure in the “InStAr Guidelines” was set. As a result, the intensive time of preparation for the release begins 6 months before its scheduled time / the planned release. Prisoners being 6 months before their release are either transferred to a special preparation station of release or, if the prisoner should be suitable, transferred to an “open prison”. Primary goals for the period of preparation of release are the provision of housing, of work traineeship spaces and even aftercare.</p> <p>The Prison and social services are interconnected for the dismissal preparation by the InStar procedure, and the FoKuS system is also involved in certain cases. In the accompanying guidelines the single steps are described.</p>
<p><b>2.</b></p>	<p><b>What services are involved in release preparation? What are the roles and tasks of the services inside the institution?</b></p>
	<p>Besides prisons, state institutions such as Court, Prosecution, the probation service, the supervisory agency (“Führungsaufsichtsstelle”) and the youth court service (only for juveniles), participate in the preparation for the release. Thereby, prisoners’ needs are taken into account individually and lead to different measures and involvements of the state institutions mentioned above.</p>

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	<p>The following services participate in the preparation of release:</p> <ul style="list-style-type: none"> <li>- Prison: reports to the Court/ Prosecution concerning the (early) release recommendation of directives and obligations,</li> <li>- Supervisory office: controls directives and obligations, on the basis of reports by probation officers; initiates warrants of arrest if conditions are violated, reports to the Court</li> <li>- Probation officer: control of directives and obligations, responsible for the process of reintegration into society, supports, advices and helps in dealing with problems, reports to the Court</li> <li>- Court for the Execution of Sentences: decision of (early) release, imposes directives and obligations</li> <li>- Police: control of directives and obligations, support of supervisory office and of the responsible probation officer</li> <li>- Forensic psychologist: risk assessment (involved only in certain cases)</li> <li>- Prosecution: demands (early) release, control of imposing directives and obligations</li> <li>- For juveniles: the youth court service is involved, if provision and financial help is required. Links to the public youth welfare.</li> </ul> <p>Thereby, prisoners' needs are taken into account individually and lead to different measures and involvements of the state institutions mentioned above.</p> <p><u>Involved in the release preparation inside the prison are:</u></p> <p>Division manager= coordination, produces the sentence and release plan</p> <p>Psychological service = consulting, treatment</p> <p>Prison officers= accompanying the prisoners for preparation of release</p> <p>External partners= help with housing, work, trainings; if necessary preparation of therapeutic measures.</p> <p>Outside the prison: Social services, forensic ambulance.</p>
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3.	<p><b>What services are involved in the community after release? What are the roles and tasks of aftercare services such as the probation service?</b></p>
	<p>After release the following services in the community are involved: half way houses run by social institutions, debt regulation, counseling, clinics for therapy, social assistance office, employment agencies, child protective services, youth welfare office and so on. All these services cooperate with the probation officer.</p>
4.	<p><b>When does the preparatory stage for release begin? (Is it defined by law? Are there standards, guidelines?)</b></p>
	<p>The preparation for the release begins basically with the first day of the custody, According to the Prison Act the objective is to enable the prisoner, to “lead a life in social responsibility without criminal offences”.</p> <p>The formal release preparation begins 6 to 12 months before the prospective release, depending of the length and kind of the sentence.</p> <p>Due to the absence of statutory regulations, the standards for release are laid down in the InStar guidelines.</p> <p>The probation service has to be involved one year before the release of the offender.</p>
5.	<p><b>Do the probation officers visit the prisoners in prison? How often? When do they start? Is continuity of care provided by law or practice?</b></p>
	<p>Depending on the needs of individual prisoners, probation officers can visit the persons they will be responsible for also during detention. This is usually done at least 6 months prior to the scheduled time of release. In general the probation officer meets the responsible prison officer and the prisoner at least once. They coordinate the release together. The frequency of contact is set individually.</p> <p>If a former probationer is in detention, the probation services are informed and involved in the preparation of release according to InStar. The frequency of contact is set individually. Continuous service and care is provided by practice and will be institutionalized by the new Prison Act.</p>

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6.	<p><b>Is there a case manager in the prison and/or in the community? If yes, who is the case manager and what are their responsibilities?</b></p>
	<p>Inside the prison, the manager of a division (60 to 80 prisoners) fulfils the tasks of case manager. He controls the process of imprisonment and release and coordinates the transition to the freedom. He decides additional measures, if necessary.</p> <p>After the release the probation officer is the case manager for the time of supervision. The probation officer oversees the process of supervision and informs the criminal judge and the supervisory agency about the process of supervision. He cooperates with police, psychologist, community services, etc....</p> <p>The probation officer recommends the end, change or implementation of (new) directives and obligations if necessary.</p>
7.	<p><b>Please describe the system of prison/institutional leave (absence or release during sentence) in general and for “dangerous”/high risk prisoners in particular.</b></p> <p><b>Does the law provide for a transfer to open prisons for “dangerous”/high risk prisoners and what are the procedures for such a transfer?</b></p>
	<p>In general, the behaviour and personality of prisoners is periodically evaluated.</p> <p>In the case of a prisoner’s suitability for relaxation of conditions, he will first undergo a close supervision time, offering the possibility of experiencing an ease of detention but still on close watch and control. If the results of these measures are positive, the prisoner will be granted time that he will be allowed to spend “outside” of the prison independently.</p> <p>Dangerous or high-risk prisoners will not get relaxations and will not be transferred to open prisons.</p> <p>For probation officers the process of release of high risk offenders is similar to the general release process. Only the number of involved partners higher, e.g. the police and psychologists are only involved in the release process of high risk offenders.</p>
8.	<p><b>Does the national law provide for halfway houses and/or electronic supervision for “dangerous” or high risk prisoners in the preparatory stage for release or on release?</b></p>
	<p>The national law provides the electronic supervision for “dangerous” or high risk prisoners on release (§ 68 StGB).</p> <p>For youth, § 15 Section 1 No. 3 JStVollzG MV provides the possibility to transfer prisoners to special education facilities or group homes. Since there is a lack of appropriate facilities, this possibility has not been used yet.</p>

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		Half way houses are also foreseen in the new Prison Act which comes into force on June 1 <sup>st</sup> , 2013.
	<b>9.</b>	<b>Are NGOs or private aftercare services involved during the prison sentence, in the transitional phase or in the community following release? What is their role and to what authority are they accountable?</b>
		<p>There are several non profit organisations operating in cooperation with law enforcement.</p> <p>The prison works together with external services – private and public institutions - that are also active within prison and /or probation service, e.g. for the areas of vocational training, school, social training, consultation, counselling and treatment programmes.</p> <p>Some non profit organisation are working in prison and after release. Their task is in the first line to reintegrate the offender into employment and support him to stay employed.</p> <p>However, all decisions related to the development of the offender before and after release are to be made by the prison and the probation service.</p>
<b>IV.</b>	<b>Aftercare</b>	
	<b>1.</b>	<p><b>Please describe the system and forms of control/supervision after release. Are there particular legal requirements or restrictions for certain types of offenders? (Registration etc.) Please outline them briefly.</b></p> <p><b>Please explain any different requirements applying to offenders conditionally released and those having fully served their sentence.</b></p>
		<p>The probation services operate exclusively under the concept “Differentiated Structure of Service -Differenzierte Leistungsgestaltung”. This concept defines special standards for the probation officer’s work. The probation officer determines the risk of the offender by 3 categories: intensive, standard and formal. The categories differ in frequency of contact with the probation officer:</p> <p>INTENSIVE means at least contact in an interval of 14 days</p> <p>STANDARD means at least contact in an interval of 4 -6 weeks</p>

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	<p>FORMAL means at least contact in an interval of 3 month.</p> <p>The category has to be determined by the probation officer. The need of control and/or of support decides about the category. The high risk offenders have to be supervised in the category INTENSIVE, if they are have one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>- sexual offender and supervision of conduct;</li> <li>- delinquency with serious crimes;</li> <li>- delinquency with misdemeanors and a long lasting career, tendency to even more offences</li> <li>- Multiple imprisonments in prison or forensic institutions</li> <li>- Clear correlation between specific problems and delinquency (addictions, personality disorders)</li> <li>- No empathy for victim(s)</li> <li>- Specific directives and obligations resulting out of the probationers' dangerousness</li> </ul> <p>The basis of decision for a category is an issued plan for the process of supervision – Bewährungshilfeplanung. This plan contains information about the offences, the biography and the lifestyle of the offender und consequent the probation officer issues a plan, what he has to do with this special offender – measures of control and measures of support.</p> <p>The plan for the process of supervision has to be brought into agreement with the forensic psychologist and maybe with the supervisory agency.</p> <p>The probation officer reports about the process of supervision to the criminal judge and the supervisory agency. The supervisory agency can initiate demands for prosecution because of gross violation of conditions by the offenders. The criminal judge can change the orders and conditions during the time of supervision. The probation officer is in charge for the supervision of conduct, a special form of supervision. Supervision of conduct applies for offenders having served a sentence about 2 years without the opportunity of early prison release. These offenders don't receive a positive prognosis. At 31.12.2012 there were 812 persons under supervision of conduct. High-risk assessment is done for those sexual or violence offenders with a negative prognosis and being under supervision of conduct. These offenders are</p>
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		<p>under intensive supervision and will be met by the probation officer at least in a 14-day-schedule. An additional programme called “FoKuS” (concept of supervision for sex and violent offenders with a high risk of recidivism) manages the cooperation of the probation service, the responsible court, the agency of supervision of conduct and the police. These authorities are equally involved in the prevention of recidivism of the named offenders. For probationers considered as highly dangerous/ high-risk offenders there is also the supervision by electronic monitoring as an additional instrument. At present there are 6 persons under electronic monitoring (31.12.2012)</p> <p><i>The police and the psychologist are additionally involved in cases for offenders with sexual offence or murder or other violence offences with lethal consequence (FoKuS).</i></p> <p><i>The probation service also uses test procedures for risk assessment: LSI-R, FAF and special tests for sexual offenders.</i></p>
	<b>2.</b>	<b>Are there legal and practice provisions or guidelines/standards for the definition of risk, risk assessment during the probation/aftercare period? If yes, please outline them briefly.</b>
		<p>For adult offenders however, there are standards in Mecklenburg Western-Pomerania for procedures of risk assessment in prison and in probation service. Life time prisoners, violent and sex offenders have to be seen before relaxation of imprisonment or release by a specialized team of psychologists, situated in the centrum for diagnosis in Waldeck prison.</p> <p>The probation service has set up a so called model of categories. This model defines risk classifications for probationers in different degrees. Please compare question 1.</p>
	<b>3.</b>	<b>What services are involved, with legal responsibilities, in aftercare supervision? What other services are involved? (See Q9 below)</b>
		<ul style="list-style-type: none"> <li>- Supervisory agency</li> <li>- Probation officer</li> <li>- Criminal judge (Court for the Execution of Sentences)</li> <li>- Forensic psychologist</li> <li>- Prosecution</li> <li>- -Non profit organisations</li> </ul>

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4	<b>Please briefly describe their tasks and working practice.</b>
	<p>Supervisory agency: control of directives and obligations set by the Court for the Execution of Sentences on the basis of reports by probation officer; initiates the demand for prosecution because of violation of the setting or because of a new offence</p> <p>Probation officer: control of directives and obligations set by the Court for the Execution of Sentences,, supports the reintegration process into society, reports about the process of supervision to criminal judge and supervisory agency</p> <p>Criminal judge (Court for the Execution of Sentences): imposes directives and obligations set by the Police: control of orders and conditions, supports supervisory agency and the responsible probation officer</p> <p>Forensic psychologist: risk assessment Prosecution: treats demands for prosecution, controls directives and obligations</p>
5.	<b>What is the role and interplay/co-operation of state and private aftercare services?</b>
	<p>Probation service: control of directives and obligations set by the Court for the Execution of Sentences, control of lifestyle, supply support for reintegration into society, cooperation with other services, case management</p> <p>Private institutions: are supplying support for reintegration into society.</p>
6.	<b>How, to what extent and on what legal basis, the police are involved?</b>
	<p>Legal basis: regulation FoKuS (Administrative Act , published in July 2012) In Mecklenburg-Western Pomerania the Ministries of Justice and Home Affairs have developed a joint concept for the supervision of sexual and violent offender with a high risk of recidivism. FoKuS manages the cooperation of the probation service, the responsible court, the agency of supervision of conduct and the police. These authorities are equally involved in the prevention of recidivism of the named offenders.</p> <p>The police has to share any information about the offender with the probation officer and to supervisory agency. The police visits the offender at home and controls if the offender complies to the implemented directives and obligations (by the Court for the Execution of Sentences) e.g. use of alcohol by breath testing or if he disobeys to the directive not to meet certain persons (For example are children in the apartment of a sexual offender?)</p>

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	<b>7.</b>	<b>Is electronic monitoring applied? Please describe the legal basis (which offenders, offences?)</b>
		Yes, electronic monitoring is applied.  Legal basis: § 68 StGB - only for offenders under supervision of conduct
	<b>8.</b>	<b>Which form of electronic supervision is used? (House arrest, GPS?)</b>
		GPS is used. In regions with tunnels and buildings there is additionally LBS in use. There is no electronic supervised house arrest.
	<b>9.</b>	<b>Are NGOs or private aftercare services involved in the aftercare phase?</b>
		Yes. Cooperations are fixed with non profit organisations and local authorities.
<b>V.</b>	<b>Statistics/empirical studies on recidivism</b>	
	<b>1.</b>	<b>How many and what kind of “dangerous”/high risk offenders are in prison? (Absolute and percentage numbers data) Please specify the categories, if available, of offenders or offence groups.</b>
		Please compare the attached files of the national agency for Statistics and the agency for statistics.  It is not possible to define the offence group of robbery and blackmailing (203 person on 31.12.2012) as dangerous per se, please see also question I 1 and 2.
	<b>2.</b>	<b>Please give longitudinal statistical data concerning question 1 for the time since 1995 (or for the period, data is available).</b>
		We do not raise these data. Therefore, the answer of the question is not possible.
	<b>3.</b>	<b>How many and what kind of “dangerous”/high risk offenders (see question 1) are under supervision of the probation and aftercare services?</b>
		585 offenders belonged to the intensive category , please compare question IV 1. (31.12.2012) - Therefore round about 14 percent of the entity of 4248 probationers.

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4.	<b>Please provide longitudinal data since 1995 concerning question 3 (or for the period, data is available).</b>
	We do not raise this kind of longitudinal data. Therefore, the answer of the question is not possible.
5.	<b>How many “dangerous”/high risk offenders are under police surveillance or supervision as a legal condition or requirement?</b>
	<p>FoKuS-offenders in Mecklenburg-Western Pomerania:</p> <p>156 offenders (31.12.2012).</p> <p>Offenders under police surveillance (without FoKuS): 249 offenders (31.12.2012). The form of supervision is result of the decision of the responsible Court for the Execution of Sentences.</p>
6.	<b>Please provide any studies on recidivism and/or recall from early/conditional release. Are there any systematic studies on the reintegration/recidivism of “dangerous”/high-risk ex-prisoners? Please describe the main results or attach the relevant publications (in English language).</b>
	<p>There has been a nation –wide examination of recalls in 2010 by</p> <p>Jehle, Jörg-Martin; Albrecht, Hans-Jörg, Homann-Fricke, Sabine; Tetel, Carina (2010): „Legalbewährung nach strafrechtlichen Sanktionen – Eine bundesweite Rückfalluntersuchung 2004 – 2007. Eine Untersuchung der Juristischen Fakultät der Georg-August-Universität Göttingen. Herausgegeben vom Bundesministerium der Justiz“. The publication is not available in English.</p> <p>Results:</p> <ul style="list-style-type: none"> <li>- Regional differences relating to the density of population.</li> <li>- in one third of the convicts offend again</li> <li>- In case of reconvicting less deprivation of liberty and lower penalties, like suspending sentences of imprisonment under an operational period of probation</li> <li>- The rate of recidivism depends on the number and kind of previous convictions</li> <li>- violent and sexual offenders do not relapse so often for a similar offence. Only a very small number of sexual offenders are sentenced for a similar offence. Offenders previously convicted for physical injuries have a 15 percent</li> </ul>

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		<p>rate of recidivism .</p> <p>Mecklenburg- Western Pomerania has got a regional non public analysis of the nation- wide study of recidivism by Jehle et.al The regional results are comparable with the nation-wide ones.</p> <p>In Mecklenburg-Western Pomerania 384 recalls from early release in 2012 were reported.</p>
	<b>7.</b>	<p><b>Have the risk assessment instruments used by the prison and probation services been evaluated? What have been the results? Please provide details of evaluation studies.</b></p>
		<p>Data is collected by standardized instruments in probation service. The risk assessment instruments used by the probation service have been evaluated through the criminological service of Mecklenburg - Western Pomerania.</p> <p>Case studies before and after the introduction of standardized instruments have been analysed. The results have been as follows:</p> <p>The quality of documentation is more detailed. Statements are more focused. Specific answers are provided concerning the factors that have caused the offence. The probation officer contacts the offender more often, the officer gains more control and can provide effective help.</p> <p>An influence on the number of revoke is not proved.</p> <p>The practitioners report that the inclusion other instruments for prognosis examining risk (like the LSI-R) is easier since the introduction of standardized collection of data. These statements have not been evaluated yet.</p>
<b>VI.</b>	<b>Further issues</b>	
	<b>1.</b>	<p><b>Has your country been subject of decisions of the European Court of Human Rights with regards the accommodation and treatment of “dangerous”/high-risk offenders?</b></p>
		<p>Mecklenburg-Western Pomerania, Germany has not been subject of decisions of the European Court of Human Rights with regards the accommodation and treatment of “dangerous”/high risk offenders.</p>
	<b>2.</b>	<p><b>Please provide relevant information and the references of reports of the Committee for the Prevention of Torture (CPT) and the Government’s answers to them in respect of “dangerous”/high risk prisoners. Have there been policy or legislative</b></p>

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		<b>amendments with regards to the CPT-reports?</b>
		<p>Report to the German Government on the visit to Germany carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 November to 7 December 2010 and the Government Response are available:</p> <p><a href="http://www.cpt.coe.int/documents/deu/2012-06-inf-eng.pdf">http://www.cpt.coe.int/documents/deu/2012-06-inf-eng.pdf</a></p> <p><a href="http://www.cpt.coe.int/documents/deu/2012-07-inf-eng.pdf">http://www.cpt.coe.int/documents/deu/2012-07-inf-eng.pdf</a></p> <p>The Report mentions in Section G, No. 141b (page 58) the practice of castration of sexual offenders. The report combines the castration with the reduction of the emanating threat. Hence sexual offenders resp. persons with an abnormal sexual drive are defined as “dangerous”.</p>
	<b>3.</b>	<b>Is there a legal basis for information exchange between agencies dealing with “dangerous”/high risk offenders in prisons and/or in the community? If yes, please outline them briefly.</b>
		<p>There is no legal basis for information exchange between agencies and the community.</p> <p>Mecklenburg Western -Pomerania has started to solve this problem by initiating a proposal to the German Federal Council. The proposal introduces a law which allows this information exchange.</p> <p>Until now the offender has to release the acting persons from professional secrecy to allow the information exchange</p>
	<b>4.</b>	<b>Please detail here any further important issues related to “dangerous”/high risk offenders not considered in the questionnaire.</b>
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